



P.C. AGENDA: 2/13/02
ITEM:

Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 4, 2002

SUBJECT: PDCSH 01-10-096. PROTEST OF A NEGATIVE DECLARATION FOR A PLANNED DEVELOPMENT REZONING TO ALLOW 240 MULTI-FAMILY RESIDENTIAL UNITS ON A 6.21 GROSS ACRE SITE LOCATED AT THE NORTHWESTERLY TERMINUS OF EVANS LANE BETWEEN ALMADEN EXPRESSWAY AND ROUTE 87.

COUNCIL DISTRICT: 6

BACKGROUND

This is a protest of a Mitigated Negative Declaration (MND) for a Planned Development Rezoning to allow 240 affordable multi-family residential units on a 6.21 gross acre site located at the northerly terminus of Evans Lane. The proposed project includes one-, two- and three-bedroom units in four, two- to four-story buildings. Partially sub-grade parking is proposed beneath three of the buildings with either surface or sub-grade parking provided for the fourth building. Access for the project is proposed via an entry drive from the cul-de-sac at the end of Evans Lane.

The subject site is currently developed with a self-storage warehouse facility that is proposed to be demolished. Surrounding uses include State Route 87 to the north, a mobile home park to the south and Almaden Expressway to the southwest. Other residential uses on Evans Lane include the 90-unit Willow Glen Mobile Estates and the 50-unit Catalonia Apartments.

On December 21, 2001, the Draft MND was posted at the County Clerk's office and distributed to property owners and occupants within 500 feet of the project site. The Draft MND and Initial Study were posted on the City of San Jose Department of Planning, Building and Code Enforcement's web site. The public review period for the MND began on December 21, 2001 and ended on January 11, 2002. On January 11, 2002, a formal protest of the Negative Declaration was filed with the Department of Planning, Building and Code Enforcement by representatives of the Willow Glen Mobile Estates, a mobile home park located immediately adjacent to the project site. The protest letter expresses concern regarding drainage, access during a disaster, traffic volumes and traffic operations, air quality, noise and pedestrian safety. See attached Mitigated Negative Declaration and protest letter from Willow Glen Mobile Estates.

ANALYSIS

The Draft MND for this project was prepared in conformance with the California Environmental Quality Act (CEQA). Section 21080 [c] of the CEQA Statute and Section 15070 of the Guidelines specify that a Negative Declaration may be prepared where the Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment. The Initial Study prepared for this project examined the potential for the project to result in significant environmental impacts. Based on the Initial Study, the Director of Planning, Building & Code Enforcement has concluded that the project would not result in significant environmental impacts and would not require the preparation of an Environmental Impact Report (EIR).

Following is an analysis of the issues raised in the protest letter. Each comment is followed by a staff response.

COMMENT NO. 1

Based on the enclosed exhibits, we conclude that the construction and inhabitation of the proposed 240-unit apartment complex will have a substantial or potentially substantial, adverse change upon the immediate area.

“Exhibit A” provides an aerial view of the immediate area

“Exhibit B” provides the hydrology of Willow Glen Mobile Estates

“Exhibit C” shows the potential disaster area

“Exhibit D” details the present state of Evans Lane

“Exhibit E” details pedestrian safety on Evans Lane

“Exhibit F” details the present state of Canoas Garden Avenue

The addition of the proposed 240-unit complex will decrease the quality of life for all if present conditions remain on the Evans Lane remain on the Evans Lane/Canoas Garden corridor and the usage increases two-fold.

STAFF RESPONSE

See responses to each of the exhibits below.

COMMENT NO. 2

“Exhibit A” OVERVIEW OF NEIGHBORHOOD

STAFF RESPONSE

This aerial photograph shows transportation facilities, land uses and bus stops in the vicinity of the project site. It does not provide any evidence that the proposed project would result in a significant environmental impact that would require the preparation of an Environmental Impact Report (EIR).

COMMENT No. 3

“Exhibit B” provides the hydrology of Willow Glen Mobile Estates

The proposed 240-unit apartment complex will have a substantial, or potentially substantial, adverse change upon the immediate area.

The parcels of land confined within Canoas Garden Avenue, Highway #87 and Almaden Expressway are located on FEMA’s 100-year floodplain map.

Willow Glen Mobile Estates was the first business located in this area in the late 1950’s. The two newer businesses along our southern property line are 1 ½ to 2 feet higher in elevation. Rainwater has created erosion over time, with areas of soil sliding lower onto our property. Numerous mobilehome owners have been forced to install retainer walls to protect their skirting.

We have no underground storm drain system. Therefore, we rely solely on the gradual slope of our property to the SE for total drainage into Canoas Creek.

Increasing the elevation along our northern property line for the purposes of erecting a 240-unit complex will leave us the only low-lying parcel of land in the area. This will intensify the pre-existing problems.

STAFF RESPONSE

This comment correctly identifies that the project site and surrounding area are located within the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). FEMA regulations prohibit the construction of below-grade parking garages beneath residential buildings within the 100-year floodplain. In order to make possible the proposed below-grade parking, the applicant is proposing to fill the site so that it can be removed from the floodplain through a Letter of Map Revision. The proposed fill will slope down at the property’s edges. Retaining walls ranging in height from 1.5 to 4 feet will be installed along the shared property line with the mobile home park at the southern boundary of the site. Drainage facilities will be included along the northerly side of the retaining wall to ensure that the site drains to the street and that no storm water from the subject site extends onto the adjacent property. Public Works staff will review the detailed design of the grading and drainage facilities prior to issuance of a Public Works Clearance for the project to ensure that the proposal does not result in any storm water impacts on adjacent properties and does not exacerbate the pre-existing drainage problems associated with the Willow Glen Mobile Estates site. Based on the above, staff concludes that the proposed project will not result in a significant environmental impact relative to hydrology.

COMMENT NO. 4

“Exhibit C” shows the potential disaster area. Should a major earthquake occur, the area enclosed by Almaden Expressway, Curtner Avenue and Highway #87 will be totally isolated and without emergency vehicles or services of any kind. No vehicles will be able to enter or exit this

area. This situation was created because of the locations of the existing overpasses and undercrossings.

The proposed apartment complex would add approximately 600 people to this potential disaster.

STAFF RESPONSE

The assumption that the overpasses in the immediate area (Almaden Expressway at State Route 87, Almaden Expressway at Curtner Avenue, and State Route 87 and the Southern Pacific Railway Lines at Curtner Avenue) will all fail simultaneously during a disaster, stranding residents and workers, is too speculative for evaluation. The California Environmental Quality Act does not require analysis of unforeseeable events. Speculation regarding the extent of a future worst-case disaster does not constitute a significant environmental impact for this project.

Furthermore, an earthquake of a magnitude that would cause the failure of all of the bridges in the vicinity of this project, would likely also result in other problems, i.e., downed power lines, fallen trees, fires, flooding and collapsed buildings, all of which also have the potential to isolate neighborhoods. The City proactively addresses the potential for natural and other disasters through its review of development and infrastructure proposals to ensure that they are designed according to current engineering standards, and by maintaining a state-of-the-art Emergency Preparedness Plan for the entire City.

COMMENT NO. 5

“Exhibit D” details the present state of Evans Lane.

The proposed 240-unit apartment complex will have a substantial, or potentially substantial, adverse change upon the immediate area.

At the present time Evans Lane is a dead-end road. Therefore, all vehicles entering or leaving Evans Lane must converge at the corner of Evans Lane and Canoas Garden Avenue.

Evans Lane is approximately 1,800 feet in length and comprised of 9 driveways that service 5 parcels of land. Legal parking is only designated on one side of Evans Lane due to the narrow width of this road. The widening of Evans Lane can only be achieved by making Almaden Expressway narrower.

When exiting Evans Lane, vehicles have only two options; turning right and going north on Almaden Expressway, or turning left onto Canoas Garden Ave.

Evans Lane, once a country road, presently accommodates 400+ residents and their 265+ vehicles. The residents’ traffic flow is increased by guests, daily and weekly service vehicles, Realtors and their clients. The two storage complexes generate additional cars, trucks, campers, motorhomes and boat trailers on a daily basis.

The proposed 240-unit complex at the terminus of Evans Lane will bring with it 400+ vehicles. This will double the existing traffic and intensify the pre-existing problems, increase air pollution and raise the noise level in the immediate area.

STAFF RESPONSE

Level of Service Analysis

A Level of Service Analysis prepared for this project addressed four signalized intersections in the vicinity of the project site to determine conformance with the City's Transportation Level of Service Policy in both the a.m. and p.m. peak hours. The report concludes that all of study intersections will operate at level of service D or better when traffic from the proposed project is added to existing traffic and background traffic from previously approved projects (see *Table II; Summary Level of Service Signalized Intersections*). Based on this analysis, Public Works staff concluded that the project conforms to the Level of Service Policy and will not result in a significant environmental impact relative to traffic capacity.

Operational Analysis

In response to this comment, an operational analysis was prepared by the project traffic consultant to assess existing and future traffic volumes on Evans Lane (see attached letter report by Pang Engineers, Inc. dated January 28, 2002). There are no signalized intersections on Evans Lane; consequently, it was not included in the Level of Service Analysis discussed above. The operational analysis identifies projected traffic volumes for the project site and each of the existing properties fronting on Evans Lane. The project site is estimated to generate Average Daily Traffic (ADT) of 235 trips under current conditions and 1440 trips with the proposed project, resulting in a net gain of 1205 trips. The Willow Glen Mobile Estates is estimated to generate 433 ADT, the Catalonia Apartments, 306 ADT, and the Women's Residential Facility 100 ADT. At the southerly end of Evans Lane, the analysis indicates the existing ADT to be 1,074 and projects that the project will increase the ADT to 2,279. Therefore, even with the proposed project, the average daily traffic is less than 2,500, the ADT considered typical of a local residential street. Based on this analysis, staff concludes that Evans Lane can accommodate the increased level of traffic generated by the addition of the proposed project and that the proposed project will not result in a significant traffic impact.

Air Quality

The Bay Area Air Quality Management District (BAAQMD) has established thresholds of significance for impacts from development projects on local and regional air quality. BAAQMD recommends an air quality analysis when vehicle emissions of carbon monoxide exceed 9 parts-per-million (ppm) averaged over 8 hours, or 20 ppm for 1 hour. If the analysis showed a project to generate over 80 lbs./day of reactive organic gases (ROG), nitrogen oxides (NO_x) or suspended particulate matter (PM₁₀), the project would be considered to have a significant air quality impact. The District has also developed sizes or activity levels for various types of land use, using default values that would exceed threshold of significance for NO_x (80 lbs./day). For

multi-family residential, the threshold is 510 units. The proposed 240-unit project is substantially below that level and is not expected to result in a significant air quality impact.

Noise

The existing Average Daily Traffic (ADT) on Evans Lane just south of Willow Glen Estates is 668 vehicles per day. Upon completion of the project, the traffic at this location is projected to increase to an ADT of 1,873. This increase in traffic will result in an increase of 4.5 dB in the existing Evans Lane traffic noise level. The existing noise exposure at the mobile home park is approximately 60 dB DNL, which includes Almaden Expressway noise at 59-dB DNL and Evans Lane noise at 50 dB DNL. In the future, Almaden Expressway noise will increase to 60 dB DNL while Evans Lane will increase to 54 dB DNL for a combined total of 61 dB DNL. The increase in project traffic and a slight increase in future noise from Almaden Expressway would cause a 1-dB increase at the mobile home park. This increase is not perceptible and is therefore not considered a significant noise impact.

COMMENT NO. 6

“Exhibit E” details pedestrian safety on Evans Lane.

The proposed 240-unit apartment complex will have a substantial, or potentially substantial, adverse change upon the immediate area.

Willow Glen Mobile Estates is comprised of 90 mobilehomes, each with one or two bedrooms. At present, 24 children reside here, half of school age.

Catalonia Apartments is a 51-unit apartment complex, with each unit consisting of three or four bedrooms. Many school-aged children reside there.

There are only two sidewalks present on Evans Lane. One sidewalk is located directly in front of the Women’s Minimum Security Detention Facility at the entrance of Evans Lane. The other sidewalk is located in front of the present apartment complex. They are not contiguous. Therefore, children are forced to walk in the roadway daily as they travel to and from the bus stop on Curtner Avenue. Buses can not enter Evans Lane, as it is too narrow to turn around in order to exit the area.

The proposed 240-unit complex at the terminus of Evans Lane will bring with it 150+ children, many of school- age. This will intensify the pre-existing problems and subject more children to the dangerous conditions on Evans Lane.

STAFF RESPONSE

Pedestrian facilities have been a major focus for both staff and the applicant in regard to this housing proposal. The protestants correctly identify that sidewalks do not currently exist in front of the Willow Glen Mobile Estates or in front of the recreational vehicle and boat storage facility and that pedestrians must therefore walk in the street at these locations. The applicant has agreed

to construct sidewalks along the project frontage and along the frontage of the Willow Glen Mobile Estates, and to construct temporary pedestrian facilities along the frontage of the recreational vehicle and boat storage facility. The temporary facilities will consist of an asphalt path and berm. Staff has included these improvements as project requirements. At the time this storage facility property redevelops, permanent sidewalks and street improvements will be required as a condition of development. An analysis prepared by the project engineer and confirmed by Public Works staff indicates that the proposed pedestrian facilities can be accommodated within the existing street right-of-way; however, it may be necessary to remove existing on-street parking. In the case of the Willow Glen Mobile Estates, installation of sidewalks will require removal of the existing perpendicular parking spaces that extend into the street right-of-way. Based on the above analysis, staff concludes that the proposed project will not result in a significant environmental impact relative to pedestrian safety.

COMMENT NO. 7

“Exhibit F” details the present state of Canoas Garden Avenue

The proposed 240-unit apartment complex will have a substantial, or potentially substantial adverse change upon the immediate area.

At the present time Canoas Garden Avenue (from Curtner to Almaden Expwy/Evans Lane) is 1,000 feet in length and comprised of eight driveways that service 14 businesses and one private residence. On business, specifically the Curtner Gardens Inn, houses 180 permanent residents. Legal parking is permitted on both sides of the street with street parking at full capacity most of the time. This creates a serious problem with all cars entering Canoas Garden Avenue because they are hidden from view. Accidents occur regularly and traffic backs up at the Curtner Avenue signal light.

An official street sign designates Canoas Garden Avenue as the northbound on-ramp to Almaden Expressway.

If not driving north on Almaden Expressway, this section of Canoas Garden Avenue is the only way out of Evans Lane to the Curtner Avenue traffic signal and beyond.

The proposed 240-unit complex at the terminus of Evans Lane will bring 400+ more vehicles onto this heavily used road and intensify the pre-existing problems.

RESPONSE TO COMMENT No. 7

The Department of Transportation (DOT) has investigated a number of concerns expressed by residents of Evans Lane regarding current traffic operation problems in the area, has proposed a number of solutions and is exploring others. The measures proposed and under consideration to improve existing conditions are as follows:

- a) In response to a concern regarding visibility at three driveway locations located along the east side of Canoas Garden Road and at the northeast corner of Curtner

and Canoas Garden Road, DOT staff have removed on-street parking. In response visibility concerns due to trucks and vans parking on the east side of Canoas Garden near the Evans Lane intersection, DOT staff are investigating installation of no parking signs or signs restricting parking of vehicles greater than 6 feet in height.

- b) In response to concern that cars exiting driveways along Canoas Garden Road do not stop prior to entering the roadway, DOT staff are investigating the possible need for stop signs in the public right-of-way facing the driveways and will ask for police enforcement during peak hours.
- c) In response to concern regarding pedestrian safety on Canoas Garden Road, DOT staff will install pedestrian crossing symbol signs for the north and southbound directions.
- d) In response to reports of illegal pedestrian crossing of Almaden Expressway, DOT staff are coordinating with County of Santa Clara staff responsible for operation of expressways.
- e) In response to concern regarding speeding and unsafe turns from Canoas Garden Road onto Evans Lane, DOT staff propose to redesign the east leg of the intersection and install chatter bars in the center of the intersection to reduce speeds and improve safety. Staff will also conduct an analysis to determine if a stop sign is appropriate to control the westbound movements.
- f) In response to concerns regarding speeding, DOT staff will install speed limits signs on both Canoas Garden Road and Evans Lane. Additionally, DOT staff will install an edge line along the east side of Evans Lane and will explore the installation of a centerline.

The measures identified above are expected to improve existing traffic operations in the vicinity of the project site. In addition, the proposed project will install sidewalks to facilitate pedestrian safety and more clearly delineate the street. The proposed project is not expected to result in a significant impact relative to traffic operations in the vicinity of the project site.

CONCLUSION

The California Environmental Quality Act (CEQA) specifies that the lead agency shall adopt a Negative Declaration if it determines, based upon substantial evidence, that a proposed project would not have a significant effect on the environment. Substantial evidence includes (1) fact, (2) a reasonable assumption predicated upon fact, or (3) expert opinion supported by fact. Substantial evidence is not an argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

The Director of Planning, Building and Code Enforcement issued and adopted an MND based upon the Initial Study and other evidence in the record. The City is required to respond to written comments filed with the Director. While it is known that some public controversy exists regarding the project, no substantial evidence has been submitted indicating that this proposal would result in a significant environmental impact that would warrant the preparation of an EIR. Preparation of an EIR for this project would not disclose any more substantial information regarding the environmental impacts of the project than is currently known.

ALTERNATIVE ACTION

The alternatives available to the Planning Commission are to (1) uphold the Mitigated Negative Declaration for the proposed project, or (2) require the preparation of an EIR.

RECOMMENDATION

The Director of Planning, Building & Code Enforcement recommends that the Planning Commission uphold the Mitigated Negative Declaration prepared for the proposed project.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Attachments

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